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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR. S-97-381 FCD
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING BRIEFING SCHEDULE
v.)	AND RESETTING HEARING DATE ON
)	THE UNITED STATES' DESTRUCTION OF
BRYAN JAMES EPIS,)	EVIDENCE SEIZED FROM DEFENDANT
)	
Defendant.)	Date: January 17, 2006
)	Time: 9:30 p.m.
)	Court: Hon. Frank C. Damrell

Whereas, on December 5, 2005, the Court set the following schedule for the submission of papers and a hearing in connection with the United States' destruction of evidence seized from defendant Bryan Epis' residence:

1. Submission from the United States due by December 19, 2005;
2. Defendant's response due by January 9, 2006; and
3. Status Conference set for January 17, 2006, at 9:30 a.m., at which time the Court would determine whether to set an evidentiary hearing for a later date.

Whereas, the United States requests a continuance of the dates described above because it needs additional time to locate and confirm the status of the evidence seized from Epis' residence. The United States also needs additional time to interview multiple agents from varying law enforcement agencies on this matter.

It is hereby stipulated and agreed by the parties, through their respective attorneys, and subject to the approval of the Court that:

1. The dates described above are hereby vacated;
2. The United States' submission shall be due by January 9, 2006;
3. Epis' response shall be due by January 23, 2006; and
4. The Court shall hold a non-evidentiary status hearing on the United States' destruction of evidence seized from Epis' residence on February 6, 2006, at 9:30 a.m. In the event that the Court determines that an evidentiary hearing is necessary, an evidentiary hearing for a later date shall be set at that hearing.

Dated: December 19, 2005

McGREGOR W. SCOTT
United States Attorney

By: /s/ Samuel Wong

SAMUEL WONG
Assistant U.S. Attorney

Dated: December 19, 2005

/s/ Brenda Grantland

BRENDA GRANTLAND
Attorney for defendant
Bryan James Epis
(per email authorization on
December 19, 2005)

ORDER

The Court having received, read, and considered the above stipulation of the parties, and good cause appearing therefrom,

The Court hereby adopts the stipulation of the parties in its entirety as its order.
IT IS SO ORDERED.

Dated: December 20, 2005

/s/ Frank C. Damrell Jr.

FRANK C. DAMRELL JR.
United States District Judge